

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

TY INC.,

Plaintiff,

v.

TIGI LINEA, INC. and  
TONI & GUY USA, INC.,

Defendants.

**01C 4893**

Civil Action No.:

Judge: **JUDGE CASTILLO**

Magistrate Judge:

**MAGISTRATE JUDGE NOLAN**

**DOCKED**  
**JUN 27**  
**2001**

**FILED-EDS**

**01 JUN 26 PM 4:01**

**CLERK**  
**U.S. DISTRICT COURT**

**COMPLAINT AND DEMAND FOR JURY**

Plaintiff, Ty Inc. ("Ty"), for its Complaint, states as follows:

**JURISDICTION AND VENUE**

1. This is an action for copyright infringement brought under the copyright laws of the United States, 17 U.S.C. § 101 *et seq.*, as well as trade dress infringement brought under section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a). This action is also for unfair competition brought under the Lanham Act, 15 U.S.C. § 1051 *et seq.*, and for common law unfair competition under the laws of the State of Illinois. Jurisdiction is predicated upon 28 U.S.C. §§ 1331 and 1338(a) and (b). Venue is proper under 28 U.S.C. § 1391(b) and (c), and § 1400(a).

### **THE PARTIES**

2. Ty is a Delaware corporation with its principal place of business in Westmont, Illinois. Ty is a leading manufacturer of plush animal toys. Ty owns the exclusive copyrights to numerous soft sculptures marketed as plush toys, including the copyrights to a plush bear called "Purplebeary," Style No. 5313 (hereafter "Ty's Purplebeary Bear").

3. Upon information and belief and after a reasonable opportunity for further investigation and/or discovery, there is likely to be evidentiary support that Defendant, Tigi Linea, Inc. is a Texas corporation with its principal place of business at 2311 Midway Road, Carrollton, Texas 75006, and that Tigi Linea, Inc. is a subsidiary of Defendant Toni & Guy U.S.A., Inc.

4. Upon information and belief and after a reasonable opportunity for further investigation and/or discovery, there is likely to be evidentiary support that Defendant, Toni & Guy U.S.A., Inc. is a Texas corporation with its principal place of business at 2311 Midway Road, Carrollton, Texas 75006. (Defendants Tigi Linea, Inc. and Toni & Guy U.S.A., Inc. are hereafter collectively referred to herein as "TIGI.")

5. As described in more detail below, TIGI has distributed, sold and/or offered to sell hair care products with a promotional plush toy bear that infringes Ty's Purplebeary Bear, and has distributed, sold and/or offered to sell these infringing plush toys to customers in this District.

### **STATEMENT OF FACTS**

#### **Ty's Ownership of Copyrights Relating To Its PURPLEBEARY Plush Bear**

6. In approximately January of 1999, Ty began selling an original plush bear named "Purplebeary" as part of its "Ty Classic" line of plush animals. Ty owns the copyrights to and has

obtained a copyright registration from the United States Copyright Office for its Purplebeary Bear, Registration No. VA 1-050-097, a copy of which is attached as **Exhibit A**. Photographs containing Ty's Purplebeary Bear are attached as **Exhibit B**.

7. Ty's Purplebeary Bear is an original soft sculpture, created by Ty before the publication date on the copyright registration for this toy, and comprises copyrightable subject matter under the copyright laws of the United States.

8. Ty's Purplebeary Bear, in addition to being protected by copyright, has design features that are non-functional and inherently distinctive or have acquired secondary meaning. These design features are recognized by consumers as indicating plush animals originating with Ty and are therefore Ty's protectable trademarks and trade dress.

#### **Defendants' Tortious Acts**

9. TIGI is violating Ty's copyright rights by manufacturing, importing, distributing, selling, and/or offering for sale a plush bear in connection with TIGI's "Catwalk" line of hair care products, which bear is substantially similar to Ty's Purplebeary plush bear (hereafter referred to as "TIGI's Catwalk Bear").

10. Photographs of TIGI's Catwalk Bear are depicted in **Exhibit B**.

11. TIGI is not licensed by Ty, and at all relevant times was not authorized by Ty or any authorized agent of Ty to display, distribute, sell, offer for sale, manufacture, import, and/or reproduce Ty's Purplebeary Bear. Upon information and belief and after a reasonable opportunity for further investigation and/or discovery, there is likely to be evidentiary support that TIGI is currently engaged in such unauthorized conduct and, unless enjoined by this Court, will continue such conduct.

12. TIGI has incorporated the distinctive design features of Ty's Purplebeary Bear into TIGI's Catwalk Bear.

13. Upon information and belief after a reasonable opportunity for further investigation and/or discovery, there is likely to be evidentiary support that TIGI had knowledge of and access to Ty's Purplebeary Bear before manufacturing, importing, distributing, selling, and/or offering for sale TIGI's Catwalk Bear.

14. Upon information and belief after a reasonable opportunity for further investigation and/or discovery, there is likely to be evidentiary support that TIGI's infringement of Ty's Purplebeary Bear has been willful and deliberate and will continue to Ty's irreparable harm unless enjoined by this Court.

## **COUNT I**

### **Copyright Infringement**

15. Paragraphs 1-14 are incorporated herein by reference.

16. Ty has complied in all respects with Title 17 of the United States Code, secured the exclusive rights and privileges in and to the above-referenced copyright, and in compliance with the law has received from the Register of Copyrights the appropriate Certificate of Registration, which constitutes prima facie evidence of the validity of the copyright and of the facts stated in the certificate.

17. After the date of registration of the above-referenced copyright, and continuing to date, TIGI has infringed the aforesaid copyright in Ty's Purplebeary Bear by manufacturing, importing, displaying, distributing, selling, and/or offering for sale, without Plaintiff's consent, TIGI's Catwalk Bear, which is a copy of, is substantially similar to, and infringes the copyright in Ty's Purplebeary

plush bear, in violation of 17 U.S.C. §§106 and 501. (Exhibit B, attached, contains a photograph showing Ty's Purplebeary Bear side by side with TIGI's Catwalk Bear.)

18. Upon information and belief, after a reasonable opportunity for further investigation or discovery, there is likely to be evidentiary support that said conduct by TIGI was and is willfully done with knowledge of Ty's copyrights.

19. Ty has no adequate remedy at law. TIGI's infringing conduct has caused and, if not enjoined, will continue to cause irreparable injury to Ty. Ty is entitled to injunctive relief and damages.

## **COUNT II**

### **Trade Dress Infringement**

20. Paragraphs 1-14 are incorporated herein by reference.

21. Ty's Purplebeary Bear incorporates design features that are inherently distinctive or have acquired secondary meaning and are non-functional.

22. TIGI's Catwalk Bear has non-functional design features that are confusingly similar to the non-functional design features of Ty's Purplebeary Bear and are confusingly similar to Ty's Purplebeary Bear.

23. TIGI, by its acts alleged herein, did and is continuing to falsely advertise and designate the origin of, or is marketing TIGI's Catwalk Bear in a manner calculated to lead the public to believe that TIGI's Catwalk Bear emanates from, or is sponsored by, or are approved by Ty, and thereby has confused and is likely to continue to confuse the public as to the origin of TIGI's Catwalk Bear in violation of the Lanham Act § 43(a), 15 U.S.C. § 1125(a).

24. After a reasonable opportunity for further investigation or discovery, there is likely to be evidentiary support to show that there has been actual confusion by the public between TIGI's Catwalk Bear and Ty's Purplebeary Bear.

25. After a reasonable opportunity for further investigation and discovery, there is likely to be evidentiary support that said conduct by TIGI was and is willful and intentional.

26. By reason of TIGI's acts as alleged above, Ty has suffered and will continue to suffer damage and injury to its business reputation and goodwill, and will sustain serious loss of revenue and profits in an indeterminate amount.

27. Unless enjoined by this Court, TIGI will continue to commit the acts complained of herein, all to the immediate and irreparable harm of Ty. Consequently, Ty has no adequate remedy at law.

### **COUNT III**

#### **Unfair Competition and Deceptive Trade Practices**

28. Paragraphs 1-14 are incorporated herein by reference.

29. TIGI has, and on information and belief intends to continue to, willfully engage in unfair competition and deceptive trade practices under federal law and the common law of the State of Illinois by its unauthorized use of Ty's trade dress, as well as trade dress confusingly similar thereto.

30. By reason of TIGI's acts as alleged above, Ty has suffered and will continue to suffer damage and injury to its business, reputation and goodwill and will sustain serious loss of revenues and profits in an indeterminate amount.

31. Unless enjoined by this Court, TIGI will continue to do the acts complained of herein all to the irreparable harm of Ty. Ty has no adequate remedy at law.

#### **COUNT IV**

##### **State Unfair Competition**

32. Paragraphs 1-14 are incorporated herein by reference.

33. The aforesaid acts of TIGI constitute deceptive trade practices in violation of the Illinois Uniform Deceptive Trade Practices Act, 815 Ill. Comp. Stat. 510/1 *et seq.* and the Illinois Consumer Fraud and Deceptive Practices Act, 815 Ill. Comp. Stat. 505/1 *et seq.*

34. By reason of TIGI's acts as alleged above, Ty has suffered and will continue to suffer damages and injury to its business, reputation and goodwill and will sustain serious loss to the distinctive quality of its famous marks.

35. Unless enjoined by this Court, TIGI will continue to do the acts complained of herein to the irreparable harm of Ty. Ty has no adequate remedy at law.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays that this Court:

- A. Declare that TIGI has infringed Ty's copyrights in Ty's Purplebeary Bear.
- B. Declare that TIGI has infringed Ty's trade dress rights as set forth under 15 U.S.C.

§ 1051 *et seq.*

C. Order that TIGI and all its employees, servants, agents, distributors and persons in active concert with it be temporarily during the pendency of this action and permanently thereafter enjoined from displaying, advertising, promoting, selling or offering for sale, or otherwise distributing plush toys that are substantially or confusingly similar to Ty's Purplebeary Bear or otherwise infringing Ty's trade dress rights, and other proprietary rights.

D. Order that, pursuant to 17 U.S.C. § 502, TIGI and all its employees, servants, agents, distributors and persons in active concert with it be enjoined, temporarily while this action is pending and permanently thereafter, from reproducing, copying, displaying, advertising, promoting, importing, selling or offering for sale, or otherwise distributing TIGI's Catwalk Bear or otherwise infringing Ty's copyrights.

E. Order TIGI to immediately require their customers, distributors, authorized dealers, and the like, to cease and desist all advertising, marketing, offering for sale and selling of TIGI's Catwalk Bear.

F. Order TIGI to recall from their customers, distributors, authorized dealers, and the like, all copies or reproductions of TIGI's Catwalk Bear and all promotional and marketing materials therefor.

G. Order, pursuant to 17 U.S.C. § 503, the impounding for destruction of all copies or reproductions of TIGI's Catwalk Bear, all patterns and other means for producing such copies, and all advertisements and promotional literature therefor.

H. Order an accounting of TIGI's profits and award Plaintiff its actual and/or statutory damages, including increased damages for willful violation.



I. Award Plaintiff monetary relief in an amount to be fixed by the Court in its discretion as just, including:

(1) All profits received by TIGI from sales and revenues of any kind made as a result of its infringing actions; and

(2) All damages sustained by Plaintiff as a result of TIGI's acts of infringement, and that such damages be trebled.

J. Award Plaintiff, pursuant to 17 U.S.C. § 505, interest, costs, and attorney's fees.

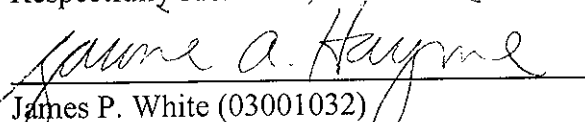
K. Award Plaintiff such other and further relief as this Court deems just and appropriate.

**JURY DEMAND**

Plaintiff demands trial by jury of all counts and claims triable to a jury.

Dated: June 26, 2001

Respectfully submitted,



James P. White (03001032)

Laurie A Haynie (06195230)

J. Aron Carnahan (06242642)

WELSH & KATZ, LTD.

120 South Riverside Plaza, 22nd Floor

Chicago, Illinois 60606

(312) 655-1500

Counsel for Plaintiff Ty Inc.

# Exhibit A

## CERTIFICATE OF REGISTRATION



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Margbeth Peters*

**FORM VA**  
a Work of the Visual Arts  
UNITED STATES COPYRIGHT OFFICE

VA 1-050-097



#H0001050097\*

EFFECTIVE DATE OF REGISTRATION

JUNE 5 2001  
Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

1

TITLE OF THIS WORK ▼

TY INC. - PURPLEBEARY #5313

NATURE OF THIS WORK ▼ See Instructions

SOFT SCULPTURE

PREVIOUS OR ALTERNATIVE TITLES ▼

PUBLICATION AS A CONTRIBUTION  
collective work in which the contribution appeared.

If this work was published as a contribution to a periodical, serial, or collection, give information about the  
Title of Collective Work ▼

If published in a periodical or serial give:

Volume ▼

Number ▼

Issue Date ▼

On Pages ▼

2

NAME OF AUTHOR ▼

a TY INC.

Was this contribution to the work a  
"work made for hire"?

☒ Yes

☐ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR ☒ Citizen of ► U.S.A.

☐ Domiciled in ► U.S.A.

DATES OF BIRTH AND DEATH

Year Born ▼

Year Died ▼

WAS THIS AUTHOR'S CONTRIBUTION TO  
THE WORK

Anonymous? ☐ Yes ☒ No

Pseudonymous? ☐ Yes ☒ No

If the answer to either  
of these questions is  
"Yes," see detailed  
instructions

## NOTE

Under the law, the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). For any part of this work that was "made for hire" in the space provided, give the employer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for dates of birth and death blank.

NATURE OF AUTHORSHIP

Check appropriate box(es).

See Instructions

☒ 3-Dimensional sculpture

☐ 2-Dimensional artwork

☐ Reproduction of work of art

☐ Design on sheetlike material

☐ Map

☐ Photograph

☐ Jewelry design

☐ Technical drawing

☐ Text

☐ Architectural work

NAME OF AUTHOR ▼

DATES OF BIRTH AND DEATH

Year Born ▼

Year Died ▼

b

Was this contribution to the work a  
"work made for hire"?

☐ Yes

☐ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR ☐ Citizen of ►

☐ Domiciled in ►

WAS THIS AUTHOR'S CONTRIBUTION TO  
THE WORK

Anonymous? ☐ Yes ☐ No

Pseudonymous? ☐ Yes ☐ No

If the answer to either  
of these questions is  
"Yes," see detailed  
instructions

NATURE OF AUTHORSHIP

Check appropriate box(es).

See Instructions

☐ 3-Dimensional sculpture

☐ 2-Dimensional artwork

☐ Reproduction of work of art

☐ Design on sheetlike material

☐ Map

☐ Photograph

☐ Jewelry design

☐ Technical drawing

☐ Text

☐ Architectural work

3

YEAR IN WHICH CREATION OF THIS  
WORK WAS COMPLETED

1999

Year

This information  
must be given  
in all cases.

b

DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK

Complete this information  
ONLY if this work  
has been published.

Month ► JANUARY

Day ► 15

Year ► 1999

Nation ► U.S.A.

4

COPYRIGHT CLAIMANT(S)  
the author given in space 2 ▼

Name and address must be given even if the claimant is the same as

TY INC.

P.O. BOX 5377

OAK BROOK, ILLINOIS 60522

TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

APPLICATION RECEIVED

JUN 05 2001

ONE DEPOSIT RECEIVED

TWO DEPOSITS RECEIVED

JUN 05 2001

FUNDS RECEIVED

DO NOT WRITE HERE  
OFFICE USE ONLY

See instructions  
before completing  
this space.

MORE ON BACK ►

• Complete all applicable spaces (numbers 5-9) on the reverse side of this page.  
• See detailed instructions.

• Sign the form at line 8.

DO NOT WRITE HERE  
Page 1 of 2 pages

EXAMINED BY

FORM VA

CHECKED BY

☐ CORRESPONDENCE☐ YesFOR  
COPYRIGHT  
OFFICE  
USE  
ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

**PREVIOUS REGISTRATION** Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?☐ Yes ☒ No If your answer is "Yes," why is another registration being sought? (Check appropriate box) ▼a. ☐ This is the first published edition of a work previously registered in unpublished form.b. ☐ This is the first application submitted by this author as copyright claimant.c. ☐ This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give: Previous Registration Number ▼

Year of Registration ▼

**DERIVATIVE WORK OR COMPILATION** Complete both space 6a and 6b for a derivative work; complete only 6b for a compilation.a. **Preexisting Material** Identify any preexisting work or works that this work is based on or incorporates. ▼b. **Material Added to This Work** Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ▼**DEPOSIT ACCOUNT** If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.  
Name ▼ Account Number ▼**CORRESPONDENCE** Give name and address to which correspondence about this application should be sent. Name/Address/Apt/City/State/ZIP ▼

Laurie A. Haynie

WELSH &amp; KATZ, LTD.

120 S. Riverside Plaza - 22nd Floor

Chicago, Illinois 60606 email: lahaynie@welshkatz.com

Area Code and Telephone Number

(312) 655-1500 Fax: (312) 655-0008

**CERTIFICATION\*** I, the undersigned, hereby certify that I am the  
check only one ▼☐ author☐ other copyright claimant☐ owner of exclusive right(s)☒ authorized agent of TY INC.

Name of author or other copyright claimant, or owner of exclusive right(s) ▲

of the work identified in this application and that the statements made  
by me in this application are correct to the best of my knowledge.

Typed or printed name and date ▼ If this application gives a date of publication in space 3, do not sign and submit it before that date.

Laurie A. Haynie

Date ► June 4, 2001

Handwritten signature (X) ▼

MAIL  
CERTIFI-  
CATE TO

Name ▼

Laurie A. Haynie

Number/Street/Apt ▼

WELSH &amp; KATZ, LTD.

120 S. Riverside Plaza - 22nd Floor

City/State/ZIP ▼

Chicago, Illinois 60606

Certificate  
will be  
mailed in  
window  
envelope**YOU MUST.**

- Complete all necessary spaces.
  - Sign your application in space 8.
- SEND ALL 3 ELEMENTS  
IN THE SAME PACKAGE:**

- Application form
- Nonrefundable \$30 filing fee  
in check or money order  
payable to Register of Copyrights
- Deposit material

**MAIL TO:**Register of Copyrights  
Library of Congress  
Washington, D.C. 20559-6000

\*17 U.S.C. section 506(e): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 409, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.

# EXHIBIT B

Ty's Purplebeary Bear



TIGI's Catwalk Bear



Ty's Purplebeary Bear



TIGI's Catwalk Bear

Ty's Purplebeary Bear



TIGI's Catwalk Bear



JS 44  
(Rev. 07/89)

## CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I (a) PLAINTIFFS

JUDGE CASTILLO

TY INC.

MAGISTRATE JUDGE NOLAN

## DEFENDANTS

TIGI LINEA, INC. AND TONI &amp; GUY U.S.

DOCKETED  
JUN 27 2001(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Chicago  
(EXCEPT IN U.S. PLAINTIFF CASES)COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)  
James P. White, Laurie A. Haynie and  
J. Aron Camahan, WELSH & KATZ, LTD.,  
120 S. Riverside Plaza-22nd Floor  
Chicago, Illinois 60606 (312) 655-1500

ATTORNEYS (IF KNOWN)

01C 4893

FILED-ED  
JUL 16 PM 4:11  
U.S. DISTRICT COURT

## II. BASIS OF JURISDICTION

(PLACE AN X IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- |   |   |   |   |
|---|---|---|---|
| Citizen of This State                   | PTF DEF <input type="checkbox"/> 1 <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State     | PTF DEF <input type="checkbox"/> 4 <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 <input type="checkbox"/> 2         | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 <input type="checkbox"/> 5         |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 <input type="checkbox"/> 3         | Foreign Nation  | <input type="checkbox"/> 6 <input type="checkbox"/> 6         |

## IV. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)

DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY: Copyright Laws of the United States, 17 U.S.C. Section 101 et seq.  
Trade dress infringement under Section 43(a) of the Lanham Act, 15 U.S.C. Section 1125(a)  
Unfair Competition under the Lanham Act, 15 U.S.C. Section 1051 et seq.,

## V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury—Med Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input checked="" type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 OWB/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus: General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights			

## VI. ORIGIN

(PLACE AN X IN ONE BOX ONLY)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation

Appeal to District Judge from Magistrate Judgment

☐ 7

## VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION  
☐ UNDER F.R.C.P. 23

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: ☒ YES ☐ NO

## VIII. REMARKS

In response to ☒ is not a refiling of a previously dismissed actionGeneral Rule 2.21D(2) this case ☐ is a refiling of case number \_\_\_\_\_ of Judge \_\_\_\_\_

DATE

6-26-01

SIGNATURE OF ATTORNEY OF RECORD

Laurie A. Haynie

1-2

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS JUDGE CASTILLO**

In the Matter of: **TY INC. V. TIGI LINEA, INC. AND TONI & GUY USA, INC.** **MAGISTRATE JUDGE NOLAN**

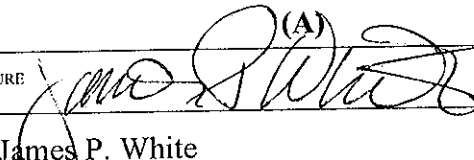
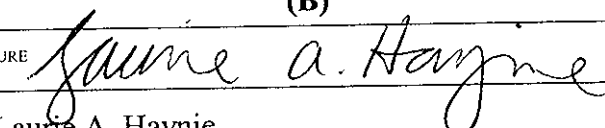
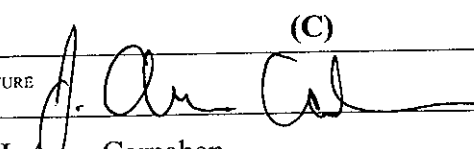
Case Number: **010 4893**

APPEARANCES ARE HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY(S) FOR:  
**TY INC.**

**DOCKETED**

**JUN 27 2001**

FILED  
JUL 26 PM 4:31  
U.S. DISTRICT COURT

<b>(A)</b>					<b>(B)</b>				
SIGNATURE 					SIGNATURE 				
NAME <b>James P. White</b>					NAME <b>Laurie A. Haynie</b>				
FIRM <b>WELSH &amp; KATZ, LTD</b>					FIRM <b>WELSH &amp; KATZ, LTD</b>				
STREET ADDRESS <b>120 S. Riverside Plaza - 22<sup>nd</sup> Floor</b>					STREET ADDRESS <b>120 S. Riverside Plaza - 22<sup>nd</sup> Floor</b>				
CITY/STATE/ZIP <b>Chicago, Illinois 60606</b>					CITY/STATE/ZIP <b>Chicago, Illinois 60606</b>				
TELEPHONE NUMBER <b>(312) 655-1500</b>					TELEPHONE NUMBER <b>(312) 655-1500</b>				
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) <b>03001032</b>					IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) <b>06195230</b>				
MEMBER OF TRIAL BAR?	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	MEMBER OF TRIAL BAR?	YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>
TRIAL ATTORNEY?	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	TRIAL ATTORNEY?	YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>
					DESIGNATED AS LOCAL COUNSEL?	YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>
<b>(C)</b>					<b>(D)</b>				
SIGNATURE 					SIGNATURE				
NAME <b>J. Aron Carnahan</b>					NAME				
FIRM <b>WELSH &amp; KATZ, LTD</b>					FIRM				
STREET ADDRESS <b>120 S. Riverside Plaza - 22<sup>nd</sup> Floor</b>					STREET ADDRESS				
CITY/STATE/ZIP <b>Chicago, Illinois 60606</b>					CITY/STATE/ZIP				
TELEPHONE NUMBER <b>(312) 655-1500</b>					TELEPHONE NUMBER				
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) <b>06242642</b>					IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)				
MEMBER OF TRIAL BAR?	YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>	MEMBER OF TRIAL BAR?	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
TRIAL ATTORNEY?	YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>	TRIAL ATTORNEY?	YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>
DESIGNATED AS LOCAL COUNSEL?	YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>	DESIGNATED AS LOCAL COUNSEL?	YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>